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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,401	02/14/2000	Ramin Rezaiifar	PA451DIV2	6558
23696	7590	10/24/2007	EXAMINER	
QUALCOMM INCORPORATED			LY, ANH VU H	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			2616	
			NOTIFICATION DATE	DELIVERY MODE
			10/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/503,401

Applicant(s)

REZAIIFAR ET AL.

Examiner

Anh-Vu H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,4,6,12,17 and 19 is/are rejected.
7) ☒ Claim(s) 5,7-11,13-16,18 and 20-23 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to Applicants' amendment filed September 05, 2007.
Claims 1 and 4-23 are pending.

Claim Objections

2. Claims 13-14 and 20-21 are objected to because of the following informalities:
With respect to claims 13-14 and 20-21, in lines 6-8, "said data channel" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 12, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta (US Patent No. 6,407,986 B1).

With respect to claims 1, 4, and 17, Dutta discloses a method and apparatus (Fig. 1) for transmitting data comprising the steps of:

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transmitting, prior to and independent of said data transmission, a message indicative of the rate of said data (col. 20, lines 38-42, a code for one of the combinations of forward and return channel data rates transmitted in the bulletin boards sets the data rate at which a receiving data terminal 120 will transmit data over the assigned return channel 162 or 163. Herein, the bulletin boards are transmitted message indicative of the rate of the data) and a time interval over which said data will be transmitted at said rate (col. 23, lines 33-47, Table 1, slots per frame and frame period is the time interval); and

transmitting said data at said rate during said time interval using a data transmission channel (col. 10, lines 48-53, based on received network management instructions, such as data transfer rates, return channel frequencies and assigned time slots, the control processor 127 of the mobile terminal 120 compiles user messages for transmission at a designated one of a number of available data rates over the designated return channel 162 or 163. Herein, the time slots are time interval and return channel 162 or 163 is the one data transmission channel);

wherein said message (Fig. 9) comprises:

an indication of the frame type (Fig. 9, bulletin board 350, network management control message type);

an indication of said rate of said data (Fig. 9, DR 358); and

an indication of said time interval (Fig. 9, time slots 367 ... 389);

wherein said frame type (Fig. 9, bulletin board 350) indicates **at least one** of link schedule (Fig. 9, frequencies fields 362 and 367 through 369 and Calendar Date 365), channel active set (Fig. 9, time slots 367 ... 389) and erasure-indicator-bit.

With respect to claims 6, 12, and 19, Dutta discloses that wherein said link schedule is selected from a group consisting of a forward link schedule and a reverse link schedule (Fig. 9, forward link frequencies 362 and return link frequencies 367...369).

Allowable Subject Matter

4. Claims 5, 7-11, 13-16, 18, and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed September 05, 2007 have been fully considered but they are not persuasive.

First of all, Applicants argues in page 13 that claims 1 and 4 recite a message that is transmitted independent of a data transmission. As support, the Applicant's specification describes 5 different physical channels, including fundamental and supplemental data channels, and a control channel. The control channel would be example of a medium that can carry the above-mentioned "message". Herein, Applicants' argument is moot since claims 1 and 4 do not recite fundamental, supplemental or control channels and the control channel is used to carry the recited message.

Secondly, Applicants argue in page 13 that Dutta's bulleting boards are always transmitted in the same frame, superframe, as data. Dutta's bulletin board is not independent of the data transmission. Since the data immediately follows the bulletin board, the bulletin board is not independent of the data. Examiner respectfully disagrees. Dutta discloses in Figs. 6E-6G,

a frame arrangement referred to as a superframe 230. The superframe is a sequence of one first type of frame (A) and seven third type of frames (C) (col. 15, lines 5-10). Herein, Frame Type A is a control frame and Frame Type C is data frame, as considered by Examiner. Further, Dutta discloses a satellite-relay communication system using a combination of FDMA and TDMA, where time-division multiplexing is used in the frequency-division multiplexed subbands (Fig. 1). Therefore, the superframe, as illustrated in Figs. 6E-6G, can be carried over multiple frequency bands, one frequency band for each frame of the superframe or any other arrangements can be made according to TDD/FDMA. Therefore, Dutta clearly discloses that the bulletin boards, Frame Type A, are transmitted independent of data, Frame Type C, as illustrated in Fig. 6E-6G.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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